

Message

From: Benson, Craig [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=87FC7C1B72714936A806B1109C2B0613-CBENSON]
Sent: 7/2/2014 6:10:25 PM
To: McNeil, Richard [rmcneil@swlaw.com]; npeacock@dudek.com; Powell, Martin [Powell.Martin@epa.gov]; Ben Castellana (Ben.castellana@westonsolutions.com) [Ben.castellana@westonsolutions.com]; Whitenack, Craig [Whitenack.Craig@epa.gov]; Magnuson, Janet [Magnuson.Janet@epa.gov]
Subject: RE: Extension Request Under UAO (9-2014-07) Par. 58
Attachments: Extension to Aug 1 2014.pdf

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From: McNeil, Richard [mailto:rmcneil@swlaw.com]
Sent: Tuesday, July 01, 2014 5:56 PM
To: Magnuson, Janet
Cc: Benson, Craig; Whitenack, Craig; Nicole Peacock
Subject: Extension Request Under UAO (9-2014-07) Par. 58

Janet, I wanted to update you on the progress of this matter and let you know that things are progressing well and, at the same time, we will in fact need an extension of time (as previously discussed at the site), with your permission, to accommodate some manageable yet unforeseen circumstances that have arisen to date during the work. As discussed below, this extension is sought pursuant to Paragraph 58 of the Unilateral Administrative Order (EPA Docket No. 9-2014-07) ("Order") based upon good cause for the reasons set forth herein.

As you know, the Order was issued on May 8, 2014 and, by its own terms (in Paragraph 19), it became effective on May 12, 2014. Pursuant to Paragraph 22, Respondents the Nancy Baker Trust and the Robert C. Frojen and Colleen Frojen

Trust (these two Trusts being the *only* Respondents that have complied with the Order), a Work Plan was submitted and approved. Paragraph 22 also provides that the removal activities will be performed and completed within thirty (30) days after the approval of the Work Plan (which, in this case, was June 3).

As noted in daily emails from the contractor (Dudek & Associates) to EPA personnel, significant progress has been made toward the removal of waste at the site and, as of date, in fact, most of the waste has been removed or is staged for removal. This work includes the following:

- The removal of all liquids from the site, including liquid acids and cyanides, except for four neutral liquid totes currently staged for off-site disposal
- The removal of all solids from the vats (the solids have been packaged in roll-off bins or other containers and have been removed or are in staging areas for removal this week or next week)
- The removal of 13 sacks of cyanide solids from the vats (and the preparation of two additional sacks for off-site disposal)
- The removal of all the vats from the pits
- The removal of most of the WWT equipment, with the remaining equipment to be dismantled and removed this week or early next week

As noted above, although most of the removal has been or shortly will be completed, some additional waste remains that needs to be removed (including the staged waste), along with debris and residue in the two pits and contaminated concrete from the pits and associated soil sampling and analysis. Good cause exists for this request because work has proceeded virtually daily with a substantial crew on-site (including consultants, contractors, subcontractors, and the owner and owner's representatives), the communication between the owner's representatives and the EPA has been cooperative and regular, and the removal action has proceeded at a steady and diligent pace. Notwithstanding the foregoing, some unavoidable delays have been encountered, for example, there have been revisions to manifests and waste profiles that, in some cases, have caused delays and, in other cases, have caused delays in the approval or acceptance of waste by some of the disposal sites used on this job. In addition, the extent to which portions of the facility and the equipment contained

hazardous wastes was greater than initially expected. For this reason, an additional thirty (30) is requested to complete the work.

Please let me know if you have any questions concerning the foregoing.

Best regards,

Rick

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